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Letter dated 8 August 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my letter dated 25 May 2012 (S/2012/366) regarding the map presented by the Chair of the African Union High-level Implementation Panel, Thabo Mbeki, I have the honour to enclose herewith a copy of the report of the United Nations Mission in the Sudan (UNMIS) Joint Monitoring and Coordination Office containing the minutes of the meeting of the 134th Ceasefire Joint Military Committee, which was held between the period of 24 and 25 January 2011 (see annex). The report was endorsed and signed by the representatives of the Government of the Sudan and the then Government of South Sudan.

I have further the honour to draw the attention of the members of the esteemed Council to the subtitle, on page 4 of the report, regarding Sudan People's Liberation Army (SPLA) presence in Kiir Adim/Bahr el Arab area, background and assessment, which includes the following points:

Background

- A letter of complaint was raised to the Force Commander by a senior Sudanese Armed Forces (SAF) member of the Ceasefire Joint Military Committee (CJMC) on 21 December 2010.
- The complaint pertains to the presence of SPLA troops in the area of Bahar Kiir, which is 30 km to the north of the 1 January 1956 line.
- The presence of SPLA at the location mentioned was verified by the Ceasefire Joint Military Committee investigation team on 1 December 2010.

Assessment

Based on the demarcation of the CBL on United Nations maps, SPLA troops are 30 km north into north Sudan.

- As per the Comprehensive Peace Agreement this presence is a clear violation.
- This is one of a number of contested border areas. All of them should be addressed by the border commission.

I would be grateful if the present document and its annex could be circulated as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

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Annex to the letter dated 8 August 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

UNMIS

Joint Monitoring and Coordination Office

134TH CEASEFIRE JOINT MILITARY COMMITTEE MEETING (02-11) DECISIONS

Date: Time:	24th Jan 11 - 25th Jan 11 1400 hrs 1500 hrs	Location:	Khartoum, Sudan
Chairman	Maj Gen Moses Bisong Obi		Force Commander, UNMIS
Party Members	SAF Col (psc) Mutasim Mohammed Jumaa Saleem Col (psc) Jaafar Idris Mohammed Nasir Col (psc) Tarek Abd El-Karem Col (psc) Osman Mohammed Abdul Rahman		SPLA Brig Gen Majier Deng Kur Brig Gen Mou Manasseh Malak Lt Col Kuol Alor Kuol
Secretary	Col Ingo Neumann		Chief of Staff, JMCO
Recorders	Maj Tor Sorensen Lt(N) Eden Wong		Staff Officer Forces Staff Officer Forces
JMCO Staff	Lt Col Thomas Westerlund Lt Col Navneet Dagar Sqn Ldr Riley Jeremy LCdr Khan Shoyeb Maj AR McLeod		Senior Staff Officer Forces Staff Officer Forces Staff Officer Forces Staff Officer Protocol Staff Officer Forces
Interpreter	Mr Kainan Jabir		Interpreter/Translator
In Attendance	Col Akol-A Adut Lt Col Elmazeer Elmstak Lt Col Wisdom Etuk Maj AKM Rezaul Karim Maj Tauqir Ali Khalid Amir Elsawi		SSPS GOSS Rep NISS MA to Force Commander SO M&V Cell SO PIO Political Affairs Officer (PAD)

In order to avoid misinterpretation, the English version of this document is official and takes precedence over the Arabic Version created by JMCO's translator. This version is the only one that will be signed.

The Ceasefire Joint Military Committee Meeting was held on 24th and 25th January 2011 in Khartoum, Sudan. The following issues were discussed

Item	Agenda Item	Lead
1.	**Introduction** The Chairman began the 134th CJMC Meeting by welcoming everyone and mentioned that he was happy that the Referendum was relatively quiet with very few problems. He also bid farewell to Sqn Leader Jeremy Riley and Lt Cdr Khan Shoyeb. He thanked them for their hard work at JMCO and wished them a good trip home. He thanked everyone for their cooperation during the Referendum and during past CJMC meetings. He hoped that this spirit of cooperation will continue. Senior SPLA CJMC Member wished everyone well. He thought that the Referendum had gone very smoothly and that it was something that South Sudan should be proud of. There was a lot of cooperation between different organizations in order to achieve this. He hoped that the announcement of the Referendum results will also go peacefully. He proposed that CJMC should talk about future affairs. He thanked the individuals who have been involved in this process for the past five to six years. The Senior SAF CJMC Member praised Allah and the Prophet. He also welcomed everyone and may peace be with them. He wished those who were leaving the mission, to have a safe journey home and thanked them for their work at JMCO. He believed that most people did not expect the Referendum to be so peaceful and he hoped that this will continue within the country. The Chairmen provided both parties with a copy of the KADUGLI agreement.	Chairman
2.	**Review of the Minutes from the Previous CJMC Meeting** **A. The CJMC accepted the written Minutes of the 133rd CJMC (01-11).**	SSD Ops
3.	**Forces** **A. Redeployment** **SAF is at 100% and the SPLA is at 37.7%. The figures are unchanged from the last meeting, but the work is still going on with this issue.**	
4.	**CJMC Action Items** **A. CJMC Visits to Sensitive Areas** • Visits have been conducted and planned, but they have proved difficult to program. Emergency visits have been conducted. Continued incidents give cause for concern and may warrant visits to build confidence and ease tensions. • The 133rd CJMC decided to revisit the subject of CJMC visits at the 134th CJMC Meeting.	

The Senior SPLA CJMC Member stated that he had no problems with CJMC being on standby to conduct visits to various sites, at short notice. The same was agreed to by the Senior SAF CJMC Member.

Decision:

i. CJMC decided to remain on stand-by to conduct visits at short notice to sensitive areas or emergencies as they arise.

B. Alleged Build up of SAF in DIFFRA Oil Fields - Sector VI

Background:

- Allegation that SAF were building up forces in the guise of Oil Police at Diffra.
- Attempts to conduct M&V have been turned away by the Oil Police.

The 132nd CJMC decided to refer this issue to the CPC to ensure that the oil field security directives are implemented. In addition:

- CJMC directed Sector VI to carry out M&V of the DIFFRA Oil fields to ascertain the security apparatus through liaison with Oil Police HQ at HIGLIG, to verify any presence of SAF within the security forces.
- CJMC requested the Senior SAF CJMC Member to facilitate the M&V of the DIFFRA oil fields.

Update:

On 22 Nov 10, Sector VI wrote a letter of request to the Oil Police Commander at HIGLIG. Indications were that Oil Police Commander is to refer the request to his superiors. The response is still awaited and consequently M&V is yet to be conducted.

The 133rd CJMC decided to await the M&V by Sector VI.

- Conclusion:
- All available facts have been recorded and passed previously to the CPC.
- The status of Oil Police, their Authority and Chain of Command all fall within the civil domain.
- M&V of the DIFFRA Oil fields is unlikely without sanction from higher civilian authority.

The Chairman mentioned that we should not make this a complicated issue. The KADUGLI Agreement was signed by both parties at the political level. UNMIS and the JIU were also involved. He then suggested that both parties should address the issue in light of the above agreement.

Both the parties agreed that the above issue should be now dealt in light of the KADUGLI agreement as suggested by the Chairman.

Decision:

ii. CJMC decided to refer this issue to the CPC for further guidance, with

the recommendation that this issue of the DIFRA Oil Police be addressed in the light of the KORDOFAN and the FULUJ agreements.

C. SPLA Presence in KIIR ADIM / BAHAR EL ARAB Area – Sector II

Background:

- A letter of complaint was raised to the FC by Senior SAF CJMC Member on 21 Dec 2010.
- The complaint pertains to the presence of SPLA Troops in the area of BAHAR KIIR which is 30 Km to the North of line 1-1-56.
- The presence of the SPLA at the location mentioned has been verified by the CJMC investigation team on 01 Dec 2010.

Assessment:

- Based on the demarcation of the CBL on UN maps the SPLA troops are 30 Km North into North Sudan.
- As per the CPA this presence is a clear violation.
- This is one of a number of contested Border areas. All of them should be addressed by the border Commission.

The Senior SPLA CJMC Member stated that they have not received the SAF letter of complaint as normal procedure and demanded that they be served with this letter to enable them to study it and respond by the next CJMC meeting. The Chairman stated that as a one time measure, the letter be provided to the Senior SPLA CJMC Member for due consideration.

The 133rd CJMC decided to serve the letter of complaint to the Senior SPLA CJMC Member and to discuss this issue at the next CJMC.

The Senior SPLA CJMC member recommended that this issue should be raised to the CPC for further guidance. The Senior SPLA member stated that the troops had been in that area since 2005 and the SPLA forces were to withdraw from this area then the same was to be applied to the rest of the contested areas. The Border Commission work / findings should settle this and other issues related to the contested border areas.

The Senior SAF CJMC Member said that this area is 30 Km North of the 1-1-56 Line. The UN Maps is what the CPA was based on and the SPLA troops located at KIIR ADIM / BAHAR EL ARAB, is a clear violation of the CPA. He also requested the SPLA to withdraw the troops from that area. They agreed that this is one of the contested areas that the Border Commission and CPC should decide on.

The Chairman mentioned that we should refer this issue to the CPC and allow the Border Commission to complete their work.

Decisions:

iii. CJMC decided to refer this issue to the CPC.

5. **CJMC NEW BUSINESS**

A. Un-notification of Troop Movement by SAF - Sector III

Background:

- On 05 Jan 11 SAF troops moved a battalion to the area of HALUF.
- This Village lies along the CBL (1-1-56) in the general area of KAKA which is contested by both the parties.
- The AJMC moved to verify this on ground and found evidence of this movement.

Assessment:

- In the absence of a clearly demarcated border the location of the incident area is a matter of difference in perception of both the parties.
- Until the Border Commission is able to finalize its findings and recommendations, both parties must maintain the status quo.

The Chairmen mentioned that he believes that this issue will be addressed once the Border Commission has completed their work.

The Senior SAF CJMC Member said that the contested areas should be discussed after the Border Commission has completed their findings.

The Senior SPLA CJMC member agreed.

Decisions:

iv. **CJMC acknowledges the resolution of the incident on the ground by the AJMC and commended the actions undertaken by the SAF.**

v. **The CJMC decided to close the case.**

B. Procurement of Helicopters by SPLA – Sector I

Background:

- On 04 Jan a JMT had reported presence of 08 Helicopters at JUBA Airport.
- No intimation has been given to UNMIS about these by SPLA.
- SPLA AJMC member conveyed that these are transport helicopters and will not be used for combat.
- However the AJMC decided that this was a violation of the CPA (Chapter 6, Annexure I, Part I, Para 10.1.4) and raised it to the CJMC.

Assessment:

- There is a need to further clarify the type and utility of these helicopters.

The both the Senior SAF and SPLA CJMC Members agreed.

	Decisions: vi. **CJMC decided to direct the JMCO to gain further information on this subject.**	
6.	**Any other Business** A. **State of National Monitors** At the 132nd CJMC the Senior SPLA CJMC Member stated that 27 additional NMs had been approved, but they needed training and their UNMIS ID cards. He requested that UNMIS should facilitate training of these NMs and also assist with the acquisition of their UNMIS ID cards. The Senior SAF CJMC Member stated that four more NMs were nominated and they will be joining soon. The 133rd CJMC agreed that both parties should continue to facilitate the deployment of NMs as soon as possible. **At the 133rd CJMC, the Senior SPLA CJMC Member mentioned that he has officers for these positions, but they require training by UNMIS. CJMC decided that both Senior SAF and SPLA CJMC members should continue to facilitate the deployment of NMs as soon as possible.** **The both the Senior SAF and SPLA CJMC Members agreed.** **Decisions:** vii. **CJMC decided that both Senior SAF and SPLA CJMC members should continue to facilitate the deployment of NMs as soon as possible.**	
7.	**Pending and New Business CPC**	**SSD Ops**

8.	**Adjournment** A. The CJMC decided that the **135th CJMC Meeting (03-11)** will be held on the **07th and 08th Feb 2011, in JUBA.** B. The **134th CJMC** Meeting was adjourned at 1400 hrs on 25th Jan 2011.	**Chairman**

Col (poc) Mutasim Mohammed Saleem
Senior SAF CJMC Member

Maj Gen Moses Bisong Obi
Chairman CJMC

Brig Gen Major Deng Kur
Senior SPLA CJMC Member